

REMARKS/ARGUMENTS

This Amendment is being filed in response to the Final Office Action dated March 14, 2008. Reconsideration and allowance of the application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1-10 are currently pending in the Application. Claims 1, 7 and 9 are independent claims.

In the Final Office Action, claims 1-10 are rejected under 35 U.S.C. §112, second paragraph as allegedly being indefinite. Claims 1, 3, 7 and 9 are amended herein to cure the noted issues in the claims. Accordingly, it is respectfully submitted that claims 1-10 are in proper form and it is respectfully requested that this rejection under 35 U.S.C. §112, second paragraph, be withdrawn.

Claim 3 is objected to due to an informality. Claim 3 is amended herein to cure the noted informality in accordance with the suggestion provided in the Final Office Action. Accordingly, it is respectfully requested that the objection to claim 3 be withdrawn.

Claims 1-3 and 6-9 are rejected under 35 U.S.C. §102(b) as allegedly anticipated by U.S. Publication Patent No. 2003/0031295 to Harding ("Harding"). Claims 1, 6, 7 and 9 are rejected under 35 U.S.C. §102(b) as allegedly anticipated by U.S. Patent No. 6,175,117 to Komardin ("Komardin"). Claims 4-5 and 10 are rejected

under 35 U.S.C. §103(a) as allegedly unpatentable over Harding in view of U.S. Patent No. 4,096,389 to Ashe ("Ashe") and U.S. Patent No. 6,377,661 to Guru ("Guru"). These rejections are respectfully traversed. It is respectfully submitted that claims 1-10 are allowable over Harding, Komardin and Harding in view of Ashe and Guru for at least the following reasons.

In Harding, while Harding may detect radiation provided in a fan pane (see, FIG. 1), it is clear that Harding detects scatter radiation along a same fan plane. As stated in Harding, (emphasis added) "the primary collimator and the scatter collimator are configured to extend cylindrically symmetrically about the Z axis ..." (See, Harding, paragraph [0023], lines 8-10.) Further, "the coherent scatter of small pieces to be examined, for example, plastic explosives, would be superimposed by the scatter of all other materials within the piece of luggage which can reflect rays onto the detector element and are positioned within the arc of the primary ray ..." (See, Harding, paragraph [0023], lines 14-19.) Accordingly, the scatter radiation of Harding is projected along a same arc as the primary radiation. Harding solves this problem by activating only a single point on a radiation source anode (see, Harding, paragraph [0023], lines 20-21), however this has little to do with the claims of the present application.

Similarly, Komardin receives a transmitted beam and a scattering beam 40 along a same plane as evident from FIGs. 1 and 6A. As made clear in Komardin, detector 28 shown in FIG. 1 is "a two dimensional detector 28 ..." (See, Komardin, col. 6, line 11.)

It is respectfully submitted that the apparatus of claim 1 is not anticipated or made obvious by the teachings of Harding and Komardin. For example, Harding and Komardin does not disclose or suggest, an apparatus that amongst other patentable elements, comprises (illustrative emphasis added) "the first radiation detector is arranged opposite to the source of radiation in the fan plane; wherein the first radiation detector is arranged to detect a first radiation of the collimated radiation beam; wherein the second radiation detector is arranged opposite to the source of radiation with an offset from the fan plane in a direction normal to the fan plane" as recited by claim 1, and as substantially recited by each of claims 7 and 9. Ashe and Guru are cited for allegedly showing other features of the claims and as such, do nothing to cure the deficiencies in each of Harding and Komardin.

Based on the foregoing, the Applicants respectfully submit that independent claims 1, 7 and 9 are patentable over Harding and Komardin and notice to this effect is earnestly solicited. Claims 2-6, 8 and 10 respectively depend from one of Claims 1 and 7 and

accordingly are allowable for at least this reason as well as for the separately patentable elements contained in each of the claims. Accordingly, separate consideration of each of the dependent claims is respectfully requested.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

Applicants have made a diligent and sincere effort to place this application in condition for immediate allowance and notice to this effect is earnestly solicited.

Respectfully submitted,

By 

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